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Bank of America N.A., successor in interest to
Bank of America NT & SA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JOHN L. WHEELER; GLORIA A.
WHEELER,

Plaintiffs,

v.

BANK OF AMERICA NT & SA;
LIBERTY REVERSE MORTGAGE;
SEATTLE FINANCIAL GROUP,

Defendants.

Case No. C-08-03230-VRW

**BANK OF AMERICA'S RENOTICE OF
MOTION TO STAY PROCEEDINGS**

Hearing: September 25, 2008

Time: 2:30 P.M.

Location: 450 Golden Gate Ave.,
San Francisco, CA,
Dept. 6, 17th Floor

Trial Date: None

Compl. Filed: July 3, 2008 (removed)

Judge: The Honorable Vaughn R.
Walker

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE THAT, on September 25, 2008, at 2:30 p.m., or as soon thereafter as the matter may be heard, in Department 6, 17th Floor of the United States District Court for the Northern District of California, San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California, 94102, Bank of America N.A., successor in interest to Bank of America NT & SA ("Bank of America") will and hereby does move for an order from this Court to stay the above entitled action pending the resolution of a proceeding before the California Supreme Court captioned *Miller v. Bank of America NT & SA*, Supreme Court Case No. S149178, involving the identical theories of recovery, factual allegations and causes of action as this proceeding.¹

Bank of America's motion is based on this notice, the memorandum of points and authorities, all supporting declarations, the pleadings and other records on file with the Court, the oral argument of counsel, all relevant matters judicially noticeable, and such further evidence and arguments as the Court may consider.

Dated: July 21, 2008

DEBRA S. BELAGA
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By: /s/
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¹ Bank of America originally filed this motion on July 11, 2008, and noticed the hearing for August 27, 2008. On July 15, 2008, this Court reassigned this case to the Honorable Vaughn R. Walker. Pursuant to the July 15, 2008 Order Reassigning Case, Bank of America hereby renotices the hearing on its Motion to Stay Proceedings for September 25, 2008.